

MINUTES
SANDY CITY COUNCIL MEETING
Sandy City Hall – Council Chamber Room #211
10000 Centennial Parkway
Sandy, Utah 84070

December 4, 2007

Meeting was commenced at 7:08 p.m.

PRESENT:

Council Members: Chairman Bryant Anderson, Vice Chairman Chris McCandless, Scott Cowdell, Steve Fairbanks, Linda Martinez Saville, Stephen Smith, and Dennis Tenney

Mayor: Tom Dolan

Others in Attendance: CAO Byron Jorgenson; City Attorney Walter Miller; Assistant CAO Scott Bond; Assistant Community Development Director Nick Duerksen; Planning Director James Sorensen; Public Works Director Rick Smith; Deputy to the Mayor John Hiskey; Management Analyst Korban Lee; Police Chief Stephen Chapman; Parks & Recreation Director Nancy Shay; Parks & Recreation Director Scott Earl; Parks Superintendent Dan Medina; Mearle Marsh, Community Events Director; Council Office Director Phil Glenn; Council Executive Secretary Wendy Densley; and members of the Youth City Council.

ABSENT/EXCUSED:

1. **OPENING REMARKS/PRAYER/PLEDGE:**

The Prayer was offered by Mason Liu of the Youth City Council, and the Pledge was led by Mitch Anderson, also of the Youth City Council.

2. **CITIZEN(S) COMMENTS:**

a. There were no citizen comments.

PUBLIC MEETING(S):

4. **9400 South Sandy City Park**

Review and consideration of a recommendation forwarded from the Planning Commission for a conditional use permit relating to the revised master plan, preliminary site plan, architectural design, colors and materials for a new park area to be developed to the west of the existing Sandy City Amphitheater.

Discussion:

James Sorenson, Planning Director, reported that Mr. Dan Medina of the Parks and Recreation Department is requesting a review of a revised master development plan, conditional use, preliminary site plan and approval of the architectural design, colors and materials for a new park area to be developed at 1200 East 9400 South.

This use is within the SD (MU) Zone and is listed as a conditional use under the category of Recreation Center (Outdoor). In addition, since this development is within an SD Zone, Planning Commission review is required for the preliminary site plan. According to the SD (MU) Zone as it relates to conditional uses, the Planning Commission review is required to be forwarded to the City Council for their final review and approval as follows:

- (c) **Conditional Uses.** *Planning Commission review is required as set forth in the Conditional Use chapter of the Development Code.*

In addition, after the Planning Commission has reviewed the requested conditional use, it shall forward its recommendation concerning said use to the City Council.

The City Council shall review the use and the Planning Commission recommendation and shall then either deny or permit the conditional use and shall impose such requirements and conditions necessary for the protection of adjacent properties and the public welfare and in conformance

with the provisions of the ordinance, particularly the ordinance establishing standards for conditional uses.

All responsibilities delegated to the Planning Commission in the Standards for Conditional Uses section of the Conditional Use chapter of the Development Code shall be the responsibility of the City Council for the purposes of this zone.

All relevant time periods shall refer to the date of action of the City Council.

A previous master development plan was reviewed by Planning Commission on February 6, 1997. In addition to the Senior Citizens' Center that was existing on the property, that master plan called for the development of a performing arts center, a parking structure for the amphitheater and performing arts center, a large pond/water feature, a number of other assorted recreation facilities (i.e. volleyball basketball, baseball, picnic tables and shelters and pavilions) and additional surface parking.

A neighborhood meeting was recently held on Wednesday, November 7, 2007. Comments that came from the meeting with the neighbors regarding the revised master plan included the following:

1. Concerns with lights on proposed buildings due to close proximity to homes
2. Loitering, etc.
3. Need a "no tree" buffer zone behind homes for security and view - approx. 25 feet.
4. Worried about gathering of gang element.
5. Want pavilion moved further to the south.
6. Locked gate at west end of senior center parking lot has been a limiting factor and has discouraged cut through traffic. Desire for that to continue once park is completed.

ANALYSIS

The applicant is proposing a revised master plan for the development of a new park that will include a pavilion, several picnic shelters and 361 new parking spaces (250 asphalt spaces and 111 overflow grass parking spaces (including those that have recently been built along 9400 South) for the amphitheater and new park area.

Access to the new park area and parking will be gained via the existing driveway into a previously approved new parking area off of 9400 South to the west of the existing amphitheater.

The architectural design of the proposed pavilion will include CMU block that will match the design, color and texture of the amphitheater building with the same architectural treatments to the block design. The roof is proposed to be standing seam metal. Possible picnic shelters designs are included in the Commission's packet for the review of the Planning Commission. A color board of all colors and materials will be provided by the Parks and Recreation Department at the meeting for the review and recommendation by the Planning Commission to the City Council.

Landscaping will be extensive all around the park area and around all of the parking areas.

Fencing along the residential homes to the north is already existing in the form of a masonry wall.

Compliance with Section 15-05-07(D) Conditional Use Permit (Staff response in *italics*)

D. Conditions. In order to achieve compliance with the standards set forth herein, the City may impose conditions which address:

1. Size, configuration and location of the site and the proposed site plan layout;
The setbacks of the proposed pavilion and picnic shelters meet the requirements of the zone.
2. Proposed site ingress and egress to existing and proposed roads and streets;
The proposed ingress and egress is sufficient for the proposed use.

3. The adequacy, provision, relocation or protection of public facilities and amenities, including roads and streets, culinary water, secondary water, sanitary sewer, storm drainage, public safety and fire protections, and other utilities;
The proposed use meets all requirements for these facilities.
4. Design, location and amount of off-street parking, loading areas and solid waste disposal and collection areas;
The proposed site plan meets all parking requirements for the proposed use.
5. Site circulation patterns for vehicular, pedestrian and other traffic;
The proposed site circulation is sufficient for the proposed use.
6. Mass, size, number, location, design, exterior features, materials, and colors of buildings, structures and other facilities;
The proposed structure has been designed to meet the requirements of the SD (MU) Zone.
7. The location and design of all site features, including proposed signage, lighting, and refuse collection;
The proposed site plan will meet all requirements for development of this site.
8. The provision of useable open space, public features, and recreational amenities;
The majority of this development area is open space for a city park.
9. Fencing, screening and landscape treatments and other features designed to increase the attractiveness and safety of the site and protect adjoining property owners from noise, visual and other impacts;
The proposed landscape plan will meet all requirements for development of this site.
10. Measures directed at minimizing or eliminating possible nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, debris, plant materials, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation;
The proposed use is along a major arterial road with residences within a close proximity to the park. All structures will be setback in accordance with the zone. No negative impacts should arise from the proposed development.
11. Measures designed to protect the natural features of the site, including wetlands and drainage ways, ground water protection, soils, wildlife and plant life;
No negative impacts are anticipated.
12. The regulation of operating hours for activities affecting normal schedules and functions;
Hours of operation at this location are restricted to 6:00 am to 10:00 pm due to the distance from existing residentially zoned districts.
13. Identifying a time for regular review and monitoring, as determined necessary, to ensure the use continues to operate in compliance with all conditions and requirements of approval;
The Conditional Use will be reviewed upon legitimate complaint.
14. Measures to ensure compliance with all conditions and requirements of approval including but not limited to bonds, letters of credit, improvement agreements, agreements to conditions, road maintenance funds, restrictive covenants;
The development will be required to complete are required improvements prior to a final certificate of occupancy being granted.
15. Such other conditions determined reasonable and necessary by the City to allow the operation of the proposed conditional use, at the proposed location in compliance with

the requirements of this Code.
No additional conditions are required.

RECOMMENDATION

Staff recommends that the Planning Commission find that the preliminary site plan is complete and that the Planning Commission review the revised park master plan, conditional use and approve the architectural design, colors and materials for the proposed structures on the 94th South Sandy City Park development subject to the following findings and conditions:

Findings: Development of this property as proposed is in compliance with the Goals and Objectives of the Sandy City General Plan.

1. Development of this property will provide new outdoor recreational opportunities in this area.

Conditions of Approval:

1. That **the Planning Commission forward a positive recommendation to the City Council** regarding the conditional use, revised master plan and preliminary site plan for the 94th South Sandy City Park.
2. That **the Parks and Recreation Department work with the adjacent residents regarding their concerns** and revise the master plan prior to the plan and the conditional use going to the City Council for review and approval.
3. That the developer **proceed through and complete the final site plan review process with staff prior to the start of any construction** (including payment of development fees and posting of an appropriate bond to guarantee completion of all required improvements on and off the site), according to the Site Plan Review Procedures Handout. The Final Site Plan shall be in compliance with all Development Code requirements and those modifications required by the Planning Commission.
4. That the development comply with all **Building & Safety, Fire and Life Safety Codes** applicable to this type of use.
5. That the developer be responsible to **meet all provisions of the SD (MU)(Mixed Use) Zone, the Sandy City Development Code and all conditions of approval imposed by the Planning Commission** regarding this project prior to issuance of a building permit including but not limited to: compliance with the **Sandy City Water Policy**, trash enclosures, compliance with the Sign Ordinance and installation of all required public improvements that may be required.

All utility boxes (i.e. transformers, switch gear, telephone, cable tv, etc.) shall be shown on the site plan and shall be placed underground or moved behind the front setback (minimum of 30 feet from the front property line) and screened from view. Each box shall be shown in its exact location and shall be noted with its exact height, width and length.

6. That the **architectural design, colors and materials** proposed for the pavilion and picnic shelters be approved by the Planning Commission as proposed by the applicant.
7. That the **applicant comply with the Sandy City Noise Ordinance**.
8. That **business hours of operation for this use be limited to 6:00 am to 10:00 pm** due to the property being within 250 feet of a Residential District. Should the applicant desire hours which are later than 10:00 pm or before 6:00 am, a separate Conditional Use Permit must be applied for to be considered at a future date.
9. That **the applicant comply with all department requirements as noted in all Preliminary Review letters** prior to submittal for final site plan review.

10. That **the applicant comply with the Sandy City Architectural Design Standards** prior to the issuance of a building permit.
11. That **the use be reviewed upon legitimate complaint.**

Dan Medina, Parks and Recreation Superintendent, presented some site maps of the proposed Park at 1200 East 9400 South, he also went over some citizen concerns.

- Security. The plan is reviewed by the police department for Crime prevention through environmental design principals. In addition the police will patrol this park in there standard patrols.
- Lighting. Parking lot will be lit to 2 foot candles as per police requirements and fixtures will match the existing west parking lot fixtures and half of the lights will be turned off after 11 PM.
- Pavilion and Playground location. The pavilion location has been shifted away form the residence from its original location the pavilion was 97 feet from the property line. in the new location the pavilion is 157 feet from the property line
- Landscaping. Sandy City Parks pays for its water use. We make every effort to conserve water while keeping our landscaping green. In this park we do the following to help with water conservation:
 - Add soil amendmets to increase the organic mater in the soil
 - This will be on our computerized irrigation system which will adjust the watering on a daily basis.
 - Have a water meter large enough to water the park every other day in the night time hours.
 - Native areas and blue grass will be zoned separately for their different water needs
 - Parking lots and shrub beds will be irrigated with drip irrigation

Chairman Anderson opened the meeting for public comment; there were no comments. Chairman Anderson opened the meeting up for Council Comments.

Council Comments

- a) **Chris McCandless** asked Dan Medina if there was a significant grade change on the North boundary of the project.
Dan Medina explained that there is a change, but reported that it is somewhat fixed with a sewer line pipe that runs along that grade. He explained that the sloping area will be a 3 to 1 ratio grade.
- b) **Dennis Tenney** asked if there were any other major concerns that need to be addressed, VIZ: the impact of the neighborhood to the North of the park.
Dan Medina reported that the only concern is the drive through traffic. The Parks and Recreation Department has done what they can to address this concern. Ryan Kump, Traffic Engineer, recommends that the gate be open.
Dennis Tenney recommends that the gate remain in place but closed. He suggested you can always open the gate when there are traffic or road problems.
Nancy Shay explained that one thing that was discussed is that since there will be people using the park during the day, traffic wise, it is much safer for them to go to 1300 East to exit instead of making a left on 9400 South.
- c) **Steve Smith** asked that given the relationship between the Amphitheatre and the Park, could the hours of operation be flexible on the nights there are events at the amphitheatre, and suggested extending the closing time by a half hour during those events.

Dan Medina explained that the typical hours of operation for parks throughout the city, are Dawn to 10:00 pm for an unlighted park, or 10:30 for lighted parks. He explained that the shows end at 10 pm, giving time for the amphitheatre patrons to vacate; he reported that the light of the field would be shut off around 10:10 giving those patrons adequate time to leave.

- d) **Scott Cowdell** asked how much of the area of the UPL substation will be in a flat area. He also asked if the trails were paved trails.

Dan Medina explained that it will be the final detention pond location, leaving the area fairly flat. He reported that all the trails were asphalt trails.

- e) **Steve Fairbanks** asked if Parks and Recreation pays for the irrigation for the parks.

Dan Medina explained that a large part of the budget is for paying for irrigation.

- f) **Phil Glenn**, Council Office Director, said that the Planning Commission discussions indicated that it was important to treat the citizens adjacent to this park, the same as those citizens adjacent to any other park. He feels it is important to shut those lights off at the same time as other lighted parks.

Nancy Shay explained that after speaking with James Sorensen, Planning Director, it was suggested to add to that condition that only on the nights of events at the Amphitheatre the hours of the Park then would match the Amphitheater.

- g) **Dennis Tenney** asked Police Chief Chapman, that on the evenings when there is not an activity, with the road going through, asked if there would be increased police enforcement.

Chief Steve Chapman explained that all parks are patrolled as a regular night schedule.

Motion: **Chris McCandless** made a motion to approve the 9400 South Sandy City Park as presented by staff with conditions, with the condition that the allowable lighted hours of operation during the times that the amphitheatre has events be increased to match that of the event itself.

Second: **Steve Smith**

Discussion on the Motion:

Phil Glenn suggested that the motion including the findings recommended by staff and the planning commission be accepted. **Chris McCandless** accepted this suggestion for the amended motion.

Amended Motion:

a motion to approve the 9400 South Sandy City Park as presented by staff with conditions, with the condition that the allowable lighted hours of operation during the times that the amphitheatre has events be increased to match that of the event itself, also to accept the findings recommended by staff and the Planning Commission.

Vote: **Smith – Yes, McCandless- Yes, Fairbanks- Yes, Cowdell- Yes, Tenney- Yes, Saville- Yes, Anderson- Yes**

Motion Approved: all members in favor.

COUNCIL ITEMS(S):

5. Creek Road Rezone

Ordinance #07-31 – amending and fixing the boundaries of a zone district of Sandy City Zoning Ordinance; to wit: rezoning approximately 1.29 acres of property located at approximately 1724 East Creek Road, from the R-1-10 "Residential District" to the RM(8) "Residential Multifamily District"; also providing a saving clause and an effective date for the ordinance.

Discussion:

Dennis Tenney explained that he was out of town the night the public hearing was held on this item. Since this rezone is in his district, he received a phone call from concerned citizens, Keith Gee family. He reported that he had the opportunity to meet with these citizens, and also with the proposed developer, Joel Leroy, and builder for the project. The citizens had two primary concerns, one being that this development might have the potential to become rental property, and asked that the development be owner occupied. The second concern was the density of the project, the 8 units on 1.29 acres seems too dense. He reported that the developer had two site plans, and has presented these to the planning department several times.

One of the site plans the Planning Commission felt comfortable with was the plan that created more privacy and met code.

Joel Leroy, developer, explained that Dennis Tenney asked him to put into writing the issues that were discussed at the meeting held earlier that week. He reported that it is his intent not to have the homes as rental properties. Secondly, he is agreeable to have the main road entrance of the project on west side, instead of east side as it is presently; both were presented to planning commission. Third, there would also be a homeowners association responsible for snow removal, and work with the city on other public services.

Dennis Tenney explained that his proposal is to approve the rezone change as recommended, with a strong recommendation to the Planning Commission through the site plan review process to accept the afore mentioned design that would create more privacy and enhance creation of owner occupied units in this development.

Steve Fairbanks is opposed for a few reasons, the recommended road that was originally suggested was recommended by the traffic engineer and the fire department for specific safety reasons, and secondarily we are running a risk by getting into the site plan process, as Wally mentioned last week. This is simply a rezoning. Third point, from a property stand point, he doesn't feel that the city should be telling people who can rent and who can't.

Dennis Tenney explained that this is simply the developer going on record to say he is flexible with this development. As for the homes being stipulated to be owner occupied only, that can't be done. This is the developer stating that they are going to be sensitive to the concerns of the neighbors.

Steve Fairbanks explained that he is worried that there is a perception of a promise to those neighbors.

Steve Smith commented that the applicant was before the Planning Commission and development review committee a half dozen times, and came up with at least 2 or 3 different orientations for the development. There were extensive conversations with Ryan Kump the Traffic Engineer, and several meetings with the neighborhood where the developer had to address their concerns. He isn't sure that any of the proposed recommendations do anything to improve the concerns of the perceptions of a lack of privacy or that the fact that there might be rental units in this community; he thinks this a stereotype of a building product that does not necessarily hold true. He feels that the developer has exercised great patience and sensitivity in dealing with the surrounding neighborhood. And he is surprised that Mr. Tenney would go on an individual basis and give someone the appearance that a development might be held back based on certain neighborhood concerns and recommend to the Planning Commission to take certain actions based on those concerns, in a manner that the developer felt that there was need to put something in writing in order to get this item voted on. This is a zoning change, the developer asked for the zoning change, which is difficult to do without a site plan. He believes that the application before the Council, on its merits is worthy of proceeding forward without any conditions. There have been comments made that the Planning Commission is there to do their job and that the Council is reluctant to step on their toes. He suggested to pass out this rezone, or have a vote on this rezone up or down on its merits without recommendations to the planning commission, as it has been presented.

Dennis Tenney explained that with this rezone in his district, he has tried to be responsive and sensitive to concerns of some of the residents. He supports this zone change. He is not trying to impose anything on the Planning Commission. The developer was simply trying to be responsive and sensitive; he applauds the developer for doing that. He explained that he is simply reporting to the council the expression of good will on the part of the developer and the concerns raised by citizens, and the developer has been willing to put into writing their intention.

Motion: **Scott Cowdell made a motion to deny rezone.**
Second: **Bryant Anderson**

Substitute motion:

Chris McCandless made a motion to approve the rezone as presented and proposed at last week' council meeting, at the same time forward any volunteered information on an informational level with no imposition for mandating to the Planning Commission what they should and shouldn't do.

Second: Dennis Tenney

Vote: McCandless- Yes, Tenney- Yes, Cowdell – No, Smith – No, Saville- No,
Fairbanks- Yes, Anderson – No.

Motion failed: three in favor, four opposed.

Vote on original Motion:

Cowdell – Yes; Anderson – Yes; McCandless – No; Tenney – No; Saville – No; Smith – No;
Fairbanks – No.

Motion failed: two in favor, five opposed.

New Motion: Dennis made a motion to approve the Ordinance #07-31 as discussed and recommended
by Planning Staff and Planning Commission.

Second: Steve Fairbanks.

Vote: Tenney – Yes; Fairbanks - Yes; McCandless – Yes; Smith – Yes; Cowdell – No; Saville – No;
Anderson – No.

Motion approved: 4 in favor, 3 opposed.

6. YOUTH CITY COUNCIL DISCUSSION:

Chairman Anderson asked the Youth Council to explain the purpose of the Sandy City Youth Court.

Chris McCandless asked if the Youth Court could give the Council a written report on how the Council could help.

7. MAYOR'S REPORT

Mayor Dolan gave a report on a meeting that was held with Mayors from the East side of the Valley in regard to the School district split. He reported that during this meeting they went through the process of who would be recommended to each City's Council to be on the School District Transition Team. There are 5 individuals to be presented to the councils and also 2 to 3 alternates that would be part of this transition team. These recommended individuals are: Devon Sanderson, Jason Burningham, Steve Newton, Bob Day, and LaMont Smith. The three alternates would be David Doty, Mike Shelton, and Michael Petersen. After this process a meeting was held with the current Jordan School Board, Superintendent, and Assistant Superintendent, and also the West side City Mayors. During this meeting it was discussed how these parties can work together on finding the best possible way to make this split and transition go smoothly. The Transition Committee will be looking at the assets and how they should be split. He reported that there will be another transition team looking directly at the new School District itself, and how to create this new district. With this we will be looking for a temporary superintendent, someone with experience and who understands how to put together a new school district. This doesn't mean that when a school board is elected, that this superintendent will stay in place. He explained that these are just a few of the first steps to be taken to get this split and transition in progress. Temporary name for the district is the "Canyons District".

Scott Cowdell asked that when these transition teams are formed, could city council members from the several cities be part of these teams.

Mayor Dolan explained that there will be multiple committees examining different issues that will come up, and that members of the City Council could be members of those committees. He reported that several people have called to volunteer to help make this split.

MINUTES:

8. Approving the **October 30, 2007** and the **November 20, 2007** City Council Meeting Minutes.

Motion: Chris McCandless made a motion to approve the City Council minutes for October 30,
2007 and November 20, 2007.

Second:Dennis Tenney

Vote: The Council voted in the affirmative to the motion. All in Favor.

9. COUNCIL OFFICE DIRECTOR'S REPORT

- **Phil Glenn** passed out to the Council a map of the results of the School District election outcomes by voter precinct from the November General Elections.
- **Phil Glenn** reminded the Council of the Christmas Spectacular on December 8th. He also reported that State Statute requires that those who were elected, or re-elected take the Oath of Office the first Monday of the New Year. This is scheduled for January 7, 2008.
- **Phil Glenn** passed out a briefing to the council from the office of Legislative Research and General Counsel of the Legislature, detailing the key issues that will be studied and worked on during the upcoming legislative session.

At approximately 8:25 p.m., Scott Cowdell made a motion to adjourn Council Meeting, motion seconded by Steve Fairbanks.

The content of the minutes is not intended, nor are they submitted, as a verbatim transcription of the meeting. These minutes are a brief overview of what occurred at the meeting.

Bryant F. Anderson
Council Chairman

Wendy Densley
Council Office Executive Secretary

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